From: Jenn Vesperman
To: Microsoft ATR
Date: 1/23/02 10:06pm
Subject: Microsoft Settlement

I am not a US citizen, so you may choose to throw this letter out. However, in the case of global countries like Microsoft, decisions the US makes can affect us all.

I am not a US citizen, but I am a citizen of the world, and a regular denizen of the Internet. I and my husband are among the people who keep it working - people who really understand the underlying technical issues. People who care about it, and who do the equivalent of repairing the roads and keeping them clean.

If the Internet is to remain a truly global entity, and if it is to remain as inexpensively accessible as it currently is, those of us who work on it in our spare time, for free, need to continue to be able to do that.

Our work is against the commercial interests of larger computer software companies, such as Microsoft. As it currently stands, much of the work of maintaining the Internet can be done by people who have never paid for proprietary certification - we have simply gone to our local university and studied computer science.
We don't need to have their particular operating system - we can use any operating system we like.
We don't need to use their software - we can use any software we like.

This freedom makes it possible for us to do our work, without having paid a 'tax' to the major companies. And THAT makes it possible for us to do it for free - for ourselves, for charities, for programs that give computers to schools in poor districts. For whatever we wish.

Having studied the proposed settlement, and the essays and articles the settlement has inspired, I feel that the settlement does not go far enough.

It seems as if Microsoft is being allowed 'wiggle room' - that it can squirm out of the prohibitions simply by making extremely minor adjustments - adjustments that make no technical difference, or that make a technical difference that can be coded around.

The major fault appears - from my reading, and I have not studied law - to be in the definitions. It seems that many aspects of the judgement are being defined too narrowly.

As an example:
* In industry terms an 'API' - applications programming interface - is

any code library which allows or helps a programmer to interact with any other program. The other program is usually an operating system, but not necessarily. The programmer can be working on anything - an application, a piece of 'middleware', or even another aspect of the operating system.
* In the judgement, an 'API' is defined as a code library between the Windows operating system and Microsoft middleware.

That is a major difference, and it allows Microsoft to decide that code as basic as an installation library is not an API. (By industry definitions, it is.) If Microsoft can limit access to the installation library, it can choose who may and who may not write code for Windows - or at least, who can write code that is automatically installed by a nice, user-friendly system. This is a very significant barrier to entry in the application market.

There are many other too-narrow definitions in the currently proposed settlement. A more complete - but not complete - list is available at http://www.kegel.com/remedy/remedy2.html

Thank you for listening.

Jenn V.
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"Do you ever wonder if there's a whole section of geek culture
you miss out on by being a geek?" - Dancer.

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